
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-3119.3/14 3rd draft

ATTY/TYPIST: BP:lel

BRIEF DESCRIPTION: Concerning permits for state transportation
corridor projects.

1 AN ACT Relating to permits for state transportation corridor
2 projects; adding a new section to chapter 36.70A RCW; adding a new
3 section to chapter 47.01 RCW; adding new sections to chapter 35.21 RCW;
4 adding new sections to chapter 36.01 RCW; adding new sections to
5 chapter 35A.21 RCW; adding a new section to chapter 90.58 RCW; and
6 adding a new section to chapter 43.21C RCW.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW
9 to read as follows:

10 (1) As used in this section, "transportation corridor project"
11 means a transportation project that is part of a state highway corridor
12 improvement program.

13 (2) For transportation corridor projects, if the project is
14 permitted under critical areas development regulations adopted under
15 this chapter, permits may be appealed to a local hearing officer or
16 through any other local appeal process if the department of
17 transportation consents, but if the department of transportation does
18 not consent, permits must be appealed directly to superior court and

1 local agencies may not require that such permits be first appealed to
2 a local hearing examiner or through any other local appeal process.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.01 RCW
4 to read as follows:

5 It is the intent of the legislature to clarify existing law such
6 that, when exercising its authority under RCW 47.01.260, the department
7 is not required to obtain local government master use permits,
8 conditional use permits, special use permits, or other similar local
9 zoning permits for staging areas related to the construction of state
10 highways. This section may not be construed as changing or otherwise
11 altering existing law.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW
13 to read as follows:

14 If a building permit is issued by a city or town as part of a
15 transportation corridor project, as defined in section 1 of this act,
16 for a building that is temporary in nature and will be removed when no
17 longer necessary to facilitate the project, the building permit may not
18 be appealed by any party other than the permittee or the department of
19 transportation. If an appeal is filed, a third party may intervene in
20 such proceedings by petition.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01 RCW
22 to read as follows:

23 If a building permit is issued by a county as part of a
24 transportation corridor project, as defined in section 1 of this act,
25 for a building that is temporary in nature and will be removed when no
26 longer necessary to facilitate the project, the building permit may not
27 be appealed by any party other than the permittee or the department of
28 transportation. If an appeal is filed, a third party may intervene in
29 such proceedings by petition.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 35A.21 RCW
31 to read as follows:

32 If a building permit is issued by a code city as part of a
33 transportation corridor project, as defined in section 1 of this act,
34 for a building that is temporary in nature and will be removed when no

1 longer necessary to facilitate the project, the building permit may not
2 be appealed by any party other than the permittee or the department of
3 transportation. If an appeal is filed, a third party may intervene in
4 such proceedings by petition.

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.21 RCW
6 to read as follows:

7 (1) To the greatest extent practicable, a permit must be issued by
8 a city or town to the department of transportation for a transportation
9 corridor project, as defined in section 1 of this act, within ninety
10 days of the department completing the permit application.

11 (2) The department of transportation shall report annually to the
12 governor and the legislature regarding any permit applications that
13 take longer than ninety days to approve.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.01 RCW
15 to read as follows:

16 (1) To the greatest extent practicable, a permit must be issued by
17 a county to the department of transportation for a transportation
18 corridor project, as defined in section 1 of this act, within ninety
19 days of the department completing the permit application.

20 (2) The department of transportation shall report annually to the
21 governor and the legislature regarding any permit applications that
22 take longer than ninety days to approve.

23 NEW SECTION. **Sec. 8.** A new section is added to chapter 35A.21 RCW
24 to read as follows:

25 (1) To the greatest extent practicable, a permit must be issued by
26 a code city to the department of transportation for a transportation
27 corridor project, as defined in section 1 of this act, within ninety
28 days of the department completing the permit application.

29 (2) The department of transportation shall report annually to the
30 governor and the legislature regarding any permit applications that
31 take longer than ninety days to approve.

32 NEW SECTION. **Sec. 9.** A new section is added to chapter 90.58 RCW
33 to read as follows:

34 (1) It is the intent of the legislature that normal maintenance,

1 repair, safety upgrades, and signage improvements within the
2 right-of-way of state highway facilities be exempt from all local
3 permits and reviews conducted to implement this chapter. The
4 legislature finds that when these activities are conducted consistent
5 with this chapter, they typically do not have an adverse impact on or
6 affect the normal public use of shorelines. The legislature determines
7 that it is in the public interest to exclude state highway maintenance
8 activities from these local review and approval processes under this
9 chapter.

10 (2) State highway facility maintenance, replacement of structures,
11 minor safety upgrades, and signage installations within the
12 right-of-way of state highways are not subject to permitting or review
13 under this chapter, including reviews conducted by local governments to
14 implement this chapter. Examples include, but are not limited to:
15 Pavement rehabilitation; luminaire and sign-associated maintenance and
16 replacement; bank protection and scour repair on existing structures
17 and facilities; culvert cleanout and minor repair; storm water facility
18 maintenance and repair; shoulders and slope repair; hazard/danger tree
19 removal; traffic barrier installation, including cable barriers,
20 guardrails, and berms; rumble strip grinding; installation of
21 intelligent transportation systems; and weigh-in-motion facilities.
22 "Minor safety upgrades" and "replacement of structures" do not include
23 new travel lanes or expansion of transportation facilities. The
24 replacement of structures must be comparable to the original structure,
25 including size, shape, configuration, and location, except to meet
26 current engineering standards or environmental permit requirements.

27 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.21C
28 RCW to read as follows:

29 Washington state department of transportation projects that are
30 categorically excluded under the national environmental policy act (42
31 U.S.C. Sec. 4321 et seq.) are exempt from this chapter.

--- END ---